


<b>IVAN ANTJUAN BURLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>NO. 3:19-cv-00118</b>
	)	
<b>SUMNER COUNTY 18TH JUDICIAL</b>	)	<b>JUDGE CAMPBELL</b>
<b>DRUG TASK FORCE, et al.,</b>	)	<b>MAGISTRATE JUDGE NEWBERN</b>
	)	
<b>Defendants.</b>	)	

Pending before the Court is the Magistrate Judge's Report and Recommendation (Doc. No. 40), which was filed on February 14, 2020. Through the Report and Recommendation, the Magistrate Judge recommends that the motion for summary judgment filed by Defendants Drug Task Force and Sumner County (Doc. No. 30) be denied without prejudice. The Magistrate Judge further recommends, based upon a *sua sponte* review of the Amended Complaint (Doc. No. 29) under 28 U.S.C. § 1915(e)(2), that Plaintiff's claims against all Defendants for violations of his rights under the Eighth Amendment be dismissed for failure to state a claim on which relief may be granted and that process issue to Defendants Arnold and Gay. Although the Report and Recommendation advised the parties that any objections must be filed within 14 days of service, no objections have been filed.

The Court has reviewed the Report and Recommendation and concludes it should be adopted and approved. Accordingly, Defendants' motion for summary judgment (Doc. No. 30) is **DENIED** without prejudice and Plaintiff's Eight Amendment claims against all Defendants are **DISMISSED** without prejudice.

Because Plaintiff's application to proceed *in forma pauperis* has been granted (*see* Doc. No. 4), the Court will direct the U.S. Marshals Service to serve the Amended Complaint (Doc. No. 29) on Defendant Officer Jason Arnold and Defendant Judge Dee David Gay at no cost to Plaintiff. However, in order for the U.S. Marshals Service to serve these Defendants, Plaintiff must complete and return two forms: "Process Receipt and Return" (AO 285) and "Summons in a Civil Action" (AO 440). These forms are together referred to as a "service packet." The Clerk is **DIRECTED** to send Plaintiff two service packets. Plaintiff **MUST** complete a service packet for Defendant Arnold and Defendant Gay, and return both completed service packets to the Clerk's Office within **21 DAYS** of the date this Order is entered on the docket. Upon return of the completed service packets, **PROCESS SHALL ISSUE**. Plaintiff is warned that failure to return the completed service packets for Defendants Arnold and Gay within the required time period could jeopardize his prosecution of his claims against them in this action.

It is so **ORDERED**.

  
WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE